

HOUSE BILL REPORT

SHB 1939

As Passed House:
January 29, 2024

Title: An act relating to adopting the social work licensure compact.

Brief Description: Adopting the social work licensure compact.

Sponsors: House Committee on Postsecondary Education & Workforce (originally sponsored by Representatives Orwall, Rule, Leavitt, Slatter, Bateman, Reed, Jacobsen, Callan, Macri, Donaghy, Doglio, Goodman, Reeves, Riccelli, Shavers and Hackney).

Brief History:

Committee Activity:

Postsecondary Education & Workforce: 1/10/24, 1/12/24 [DPS].

Floor Activity:

Passed House: 1/29/24, 96-0.

Brief Summary of Substitute Bill

- Enacts the Social Work Licensure Compact.

HOUSE COMMITTEE ON POSTSECONDARY EDUCATION & WORKFORCE

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 12 members: Representatives Slatter, Chair; Entenman, Vice Chair; Reed, Vice Chair; Ybarra, Ranking Minority Member; Chandler, Jacobsen, Klicker, Leavitt, Nance, Pollet, Schmidt and Timmons.

Staff: Elizabeth Allison (786-7129).

Background:

The state licenses two types of social workers: advanced social workers and independent

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clinical social workers. To become licensed as either type of social worker, an applicant must have: (1) graduated from an approved master's or doctorate level social work educational program; (2) passed an approved examination; and (3) completed a supervised experience requirement.

Licensed Advanced Social Workers.

To become licensed as an advanced social worker, an applicant must:

- have graduated from a master's or doctorate social work educational program;
- successfully complete an approved examination;
- successfully complete a minimum of 3,200 hours of supervised experience; and
- successfully complete continuing education hours.

Licensed Independent Clinical Social Workers.

To become licensed as an independent clinical social worker, an applicant must:

- have graduated from a master's or doctorate social work educational program;
- successfully complete an approved examination;
- successfully complete a minimum of 3,000 hours of supervised experience over a period of at least two years; and
- successfully complete continuing education hours.

Summary of Substitute Bill:

Compact Establishment.

The Social Work Licensure Compact (Compact) is established, which allows licensed social workers to practice across state lines in Compact states under a Compact privilege.

Compact Commission.

The Compact is administered by a Compact Commission (Commission), which is a joint government agency established by the Compact's member states. The membership of the Commission consists of one delegate selected by each member state. The delegate must be either:

- a current member of the state licensing authority and a regulated social worker or public member of the state licensing authority; or
- an administrator of the state licensing authority or their designee.

The Commission's enumerated powers include:

- establishing bylaws;
- establishing a code of conduct and conflict of interest policies;
- initiating and concluding legal proceedings or actions in the name of the Commission;
- appointing committees, including standing committees composed of members, state regulators, state legislators, consumer representatives, and other interested persons; and
- performing other functions necessary or appropriate to achieve the purposes of the Compact.

The Commission must establish an executive board to act on behalf of the Commission consisting of up to 11 members. The executive committee's duties include recommending changes to rules and bylaws, preparing and recommending a budget, monitoring Compact compliance, and other duties provided in the bylaws.

The Commission and executive committee must meet at least once a year. Meetings shall be open to the public with limited exceptions. The Commission and executive committee may close meetings to the public to discuss certain matters, including noncompliance by member states, employment matters, litigation, disclosure of trade secrets, law enforcement investigative records, and matters specifically exempt from disclosure by federal or state law. The Commission must keep minutes of its meetings.

The Commission may levy an annual assessment on Compact states and levy fees on licensees to cover the costs of operations and activities.

The Commission must promulgate reasonable rules to effectively and efficiently achieve the purpose of the Compact. At least 30 days prior to voting on a rule, the Commission must file a notice of proposed rulemaking, conduct a public hearing, and allow the submission of written input. The Commission may enact emergency rules with 48 hours' notice that must undergo the full rulemaking process no later than 90 days after their effective dates. Rules adopted by the Commission may be rejected within four years of enactment by a majority of the legislatures of the Compact states through statute or resolution.

Other Compact provisions relating to the Commission include provisions relating to:

- judicial proceedings against the Commission;
- financing the Commission; and
- qualified immunity, defense, and indemnification of Commission members.

Data System.

The Commission must establish a coordinated data system. Member states must submit a uniform data set to the data system on all individuals to whom the Compact is applicable. The data must include licensure data, identifying information, adverse actions against a license, the presence of current significant investigative information, and nonconfidential information related to alternative program participation, among other things. It is the responsibility of a member state to monitor the database to determine whether adverse action has been taken against a licensee or license applicant. Member states may designate information that may not be shared without the states' permission. Any information that is subsequently required to be expunged by the laws of a member state must be removed from the system.

State Membership Requirements.

The Compact becomes effective when enacted by at least seven states. To be eligible for compact membership, a state must:

- license and regulate the practice of social work at the clinical, master's, or bachelor's category;
- require applicants for licensure to graduate from an accredited program;
- require applicants for clinical licensure to complete a period of supervised practice; and
- have a mechanism in place for investigating and adjudicating complaints about licensees.

To maintain membership in the compact, states must:

- require that applicants for a multistate license pass a qualifying national exam;
- participate fully in the Commission's data system;
- notify the Commission of any adverse action or the availability of current significant investigative information regarding a licensee;
- implement procedures for considering the criminal history records of applicants for multistate licenses;
- comply with rules of the Commission;
- require an applicant to obtain or retain a license in the home state;
- authorize a licensee holding a multistate license in any member state to practice in accordance with the terms of the Compact and rules of the Commission; and
- designate a delegate to participate in the Commission meetings.

Multistate License Requirements.

To be eligible for a multistate license under the Compact, an applicant must:

- hold or be eligible for an active, unencumbered license in the home state;
- pay any applicable fees;
- submit, with an application, fingerprints or biometric data with an application for a criminal history record;
- notify the home state of any adverse action or encumbrance on any professional license within 30 days from the date the action is taken; and
- meet any continuing competence requirements, and abide by the laws and regulations of the member state where the client is located at the time care is rendered.

Applicants must fulfill all clinical, master's, and bachelor's requirements depending on which license applicants apply for.

Social workers who have a multistate license under the Compact are subject to the regulatory authority of the member state. If a multistate licensee's license or authorization is encumbered, the licensee's license and authorization to practice in member states must be deactivated until the license is no longer encumbered.

Discipline.

A home state in which a licensee is licensed has exclusive power to impose adverse action against the qualified license. Member states may take adverse action against a licensee's multistate authorization to practice only within that member state. A member state may

take adverse action based on factual findings of another member state. States may participate in joint investigations.

Oversight and Enforcement.

The executive and judicial branches of the member states must enforce the Compact. If the Commission determines a state is in default, it must provide written notice to that state and provide it with training and specific technical assistance regarding the default. In addition, the Commission may bring a legal action in federal court to enforce the Compact. After all other means of securing compliance have been exhausted, a defaulting state may be terminated from the Compact through a vote of the majority of Commission members.

Joining and Withdrawing.

The Compact comes into effect on the date when the seventh state joins. States that enact the Compact before the Compact comes into effect are subject to review after the effective date of the Compact. The Compact may be amended by enactments in all member states. A state may withdraw from the Compact by repealing its enacting statute, but the withdrawal is not effective until 180 days after the statute's repeal.

Conflict of Laws.

State laws in conflict with the Compact are superseded to the extent of the Compact. The Compact does not prevent the enforcement of any other law of a member state that is not inconsistent with the Compact. Permissible agreements between the Commission and the member states are binding. If the Compact conflicts with the constitution of a member state, the Compact is ineffective to the extent of that conflict. If the constitutional provision in question is a material departure from the Compact, the state may be terminated from the Compact.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) This social work compact is needed because families have always been impacted by mental health issues, but the issues have increased since COVID-19. Both youth and adults are seeing increased anxiety, and statistics show that over 50 percent of folks do not have access to this care. This is troubling because of suicide rates. The bill is an attempt to make the state's workforce more robust and to streamline the process for social workers moving to Washington. The establishment of the 988 hotline has tripled the number of people at call centers, many of whom are social workers. Adopting the compact would allow more social workers to come to Washington to serve in these roles.

Military spouses who are social workers who may be transferred to Washington will benefit by being able to practice in Washington with a multistate license under the compact. The national test currently in place for social workers, which is required at the state level, has been found to be racially biased. There are different pass rates based on factors such as race, age, and language of test takers. Washington is looking to come up with alternatives, and moving the bill this year gives Washington the opportunity to a seat at the table to establish rules and look for alternatives. The compact was developed in collaboration with the Council of State Governors, the Department of Defense, and other stakeholders across the nation. Social workers across the compact's member states can surge anywhere in compact states to help families in times of crisis. Washington's ability to protect public health is preserved.

(Opposed) None.

(Other) The bill would streamline the process for out-of-state social workers to get credentials in Washington quickly. It is recommended that an amendment be made that allows the Department of Health rulemaking authority to implement the bill. The Department of Health is already engaged with experts to look for alternatives to the national exam and will have recommendations ready by next session. Social workers do two things for veterans: post-traumatic stress disorder treatment and suicide prevention. There is a high concentration of these issues in the military for active-duty members, National Guard members, and veterans. Passing this bill will save lives. This compact is not substantially different in structure to other compacts and changes nothing about how social work is licensed in Washington. There is added language to make it clear that other states will not be able to access Washington provider records, especially those related to gender-affirming and reproductive care. This compact will bring down barriers to employment and allow for an increase in social workers with diverse identities representing the people they serve.

Persons Testifying: (In support) Representative Tina Orwall, prime sponsor; Bob Cooper and Jeremy Arp, National Association of Social Workers; Tammie Perreault, Department of Defense; Kaitlyn Bison, The Council of State Governments; Charles Wharton, Veterans Legislative Coalition; and Breck Lebegue, Washington State Psychiatric Association.

(Other) Shawna Fox, Washington State Department of Health.

Persons Signed In To Testify But Not Testifying: None.